

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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11 Attorneys for Defendants
Merck & Co., Inc.

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 ANITA HARRIS,

17 Plaintiff,

18 vs.

19 MERCK & CO. INC., et al.

20 Defendants.
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No.: 3:06-cv-06993-PJH

STIPULATION AND ~~PROPOSED~~ ORDER
STAYING PROCEEDINGS PENDING
TRANSFER TO VIOXX MDL NO. 1657

Honorable Phyllis J. Hamilton

1 TO THE CLERK OF THE COURT OF THE UNITED STATES DISTRICT COURT FOR
2 THE NORTHERN DISTRICT OF CALIFORNIA, PLAINTIFF AND DEFENDANT, THROUGH
3 THEIR ATTORNEYS, FILE THIS STIPULATION AND PROPOSED ORDER.
4

5 This case, *Anita Harris v. Merck & Co., Inc., et al.* Case Number 3:06-cv-06993-PJH, was
6 filed in state court on September 26, 2006 and removed to this Court on November 8, 2006. No
7 discovery has been conducted or scheduled.
8

9 On November 14, 2006, Merck, pursuant to Rule 7.5(c) of the Rules of Procedure of the
10 Judicial Panel on Multidistrict Litigation ("R.P.J.P.M.L."), provided notice to the MDL Panel of the
11 pendency of this "tag-along" action and furnished the MDL Panel with a copy of the docket sheet
12 and complaint. Merck requested that the MDL Panel transfer this action to the multidistrict litigation
13 known as In re Vioxx Products Liability Litigation, MDL No. 1657, currently pending in the Eastern
14 District of Louisiana, District Judge Eldon Fallon presiding. Merck expects the JPML to issue a
15 conditional transfer order that includes this case in the next few weeks.
16

17 Plaintiff does not oppose the transfer of this case to the Vioxx MDL.
18

19 In light of the pending transfer of this case to the Vioxx MDL, the parties respectfully
20 request that all proceedings be stayed so as to allow the JPML to rule on transfer of this tag along
21 action.
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1 SO STIPULATED.

2
3 Dated: December 19, 2006

4 REED SMITH LLP

5
6 By: 

Amanda Murray
Attorney for Defendant
MERCK & CO., INC.

7
8
9 Dated: December 19, 2006

10 KERSHAW CUTLER & RATNOFF LLP

11 By: 

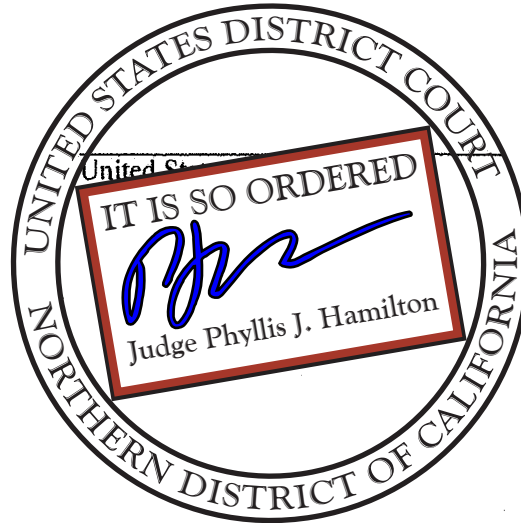
David E. Smith
Attorney for Plaintiff

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the above terms of this
Stipulation are approved by this Court.

Dated: 12/21/06



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